



# **IMPACTS OF EXTRACTIVES ON LAND, ENVIRONMENT AND WOMEN'S RIGHTS IN EAST AFRICA**

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*Women doing Manual labour in Sand Mining in Western Uganda.  
Photo Credit: NAPE*



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## ACRONYMS AND ABBREVIATIONS

<b>ACHPR</b>	African Charter on Human and Peoples' Rights	<b>NAWAD</b>	National Association for Women's Action in Development
<b>AIDS</b>	Acquired Immune Deficiency Syndrome	<b>NDC</b>	National Development Corporation
<b>ASM</b>	Artisanal & Small-scale Miners	<b>NEEC</b>	National Economic Empowerment Council
<b>COMESA</b>	Common Market for Eastern and Southern Africa	<b>NEMA</b>	National Environmental Management Authority
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination against Women	<b>NEMC</b>	National Environment Management Council
<b>CSOs</b>	Civil Society Organizations	<b>NGO</b>	Non-Governmental Organisation
<b>DRC</b>	Democratic Republic of Congo	<b>NPGD</b>	Kenya National Policy on Gender and Development
<b>EAC</b>	East African Community	<b>PAP</b>	Project Affected Persons
<b>EALA</b>	East Africa Legislative Assembly	<b>PEPD</b>	Petroleum Exploration and Production Department
<b>EIA</b>	Environmental Impact Assessment	<b>RRMA</b>	Riparian Resource Management Association
<b>EITI</b>	Extractive Industries Transparency	<b>SDGs</b>	Sustainable Development Goals
<b>EMCA</b>	Environmental Management and Co-ordination Act	<b>SIDO</b>	Small Industrial Development Organisation
<b>FDI</b>	Foreign Direct Investment	<b>SML</b>	Special Mining Licenses
<b>FGDs</b>	Focus Group Discussions	<b>SPSS</b>	Statistical Package for Social Sciences
<b>FIDA</b>	The Uganda Association for Women Lawyers	<b>STDs</b>	Sexually Transmitted Diseases
<b>GAGGA</b>	Global Alliance for Green and Gender Action	<b>STAMICO</b>	State Mining Company
<b>GDP</b>	Gross Domestic Product	<b>TAWOMA</b>	Tanzania Women Miners Association
<b>HIV</b>	Human Immune Virus	<b>UBOS</b>	Uganda National Bureau of Statistics
<b>IDPs</b>	Internally Displaced Persons	<b>UCRT</b>	Ujamaa Community Resource Team
<b>ISISWICE</b>	International Cross-Cultural Exchange.	<b>UN</b>	United Nations
<b>IWGIA</b>	International Working Group for Indigenous Affairs	<b>URT</b>	United Republic of Tanzania
<b>KNCHR</b>	Kenya National Commission on Human Rights	<b>WGDP</b>	Women and Gender Development Policy
<b>LCV</b>	Local Council Five		
<b>LC 1</b>	Local Council One		
<b>ML</b>	Mining Licenses		
<b>NAPE</b>	National Association of Professional Environmentalists		



*Kijayo women group in Hoima District in a group discussion*  
Photo credit: NAPE

## EXECUTIVE SUMMARY

The study presents key findings from three East African countries (Kenya, Tanzania and Uganda) on the impacts of extractives on land, environment and women's rights. The study used mixed methodology whereby some partners used literature review purely and others combined with actual field study. The study implored the Women in Development (WID) feminist's framework so as to understand women's rights, access to land and related benefits in the extractive industry.

The study also looked at the roles of different stakeholders in the extractive industry and their power. The findings indicate that governments have a big role to play in the sector such as policy formulation that would give women right to land and ensure women benefit from the extractive industry and also ensure that these policies are implemented for example; compensation and participation in decision making process. In addition, the overall mandate of protecting the rights of women lies within the laws and therefore governments as duty bearers need to ensure that women receive redress and remedies to the violations of their rights. It is very clear that policies that would protect the rights of women if implemented are not being enforced and in scenarios where implementation is done, then there is weakness in enforcement for example; compensation of land owners in Tanzania and Kenya does not consider women as land owners because of the patriarchal nature in which they operate and yet there is a provision within the law of co-ownership. In Uganda, during compensation, government does not take into account the user rights of women who have been tilling the land but only looks at "owner" with the assumption that land belongs to a man and yet customarily land does not belong to an individual, these kinds of loopholes need to be addressed by duty bearers.

In East African countries, the key stakeholders in extractives are government or state institutions such as parliaments, ministries of environment and minerals, and mandated authorities. These institutions have high power and high influence and can, with good will and focus, address human rights and issues facing women in extractives.



The study is to inform all the partners and stakeholders on the impacts of extractive industries on women in East Africa. The research is significant in providing well documented evidenced based recommendations for policy makers, advocacy groups, NGOs, academia and companies at national, regional and international levels.

The findings from the study pointed out some of critical issues for women in the extractives as being loss of land which has numerous negative impacts on women's livelihoods. Key to understanding this is to first appreciate that women constitute the majority of people living in rural areas and represent the highest number of people working on land for subsistence livelihoods and their rights to access and ownership of this land is not the same as that of their male counterparts.

Customarily practices systematically deny women access and ownership to land. Given this background, loss of land (access to use and control) implies denying women the right to live. It is very clear that the majority of the women in the study sites where extractive activity is on-going are predominantly peasants' communities whose livelihoods depend on land for agriculture. Loss of land has a number of implications for a woman such as; homelessness, drop in food production thereby food insecurity because historically the gender roles were assigned to women to provide food for their households, once the factor for production which is land is removed from them there can't be any production and focus on extractives without providing alternative livelihood options, for women this can lead to famine. Women because of their gender roles many times shoulder the burden. With mining companies acquiring land through governments have not fulfilled their obligations required by law to resettle and compensate land owners, there has been poor compensation scheme and many families have faced evictions from their land without fair compensation or no compensation.

In addition, for women land compensation is something concept they only hear about because of the fact that

compensations are only given to land owners and in terms of ownership, women do not own land and or any property therefore miss out and yet they have been at the core of utilising the land in question raises a lot of questions to be answered for example; during the planning process, was there any analysis done to establish the one using the land or whose crops are being destroyed by extractive activities.

There has been massive destruction of the environment (land, water, forest, wetlands) and this has greatly impacted negatively on the lives of women & men. However, women suffered more because of their interactions with the environment for livelihood substance for example; land is used for food production and once it's been destroyed then there is no food and yet it is the role of women to produce food; water is life and women depend on water for domestic use and even fishing as an economic activity; forest provides women with fuel wood, fruits, herbs and materials for crafts just like the wetlands and so when all these have been destroyed by extractive activities then women are left with no alternative options for survival and therefore the burden of providing for their families triples such as walking longer distances in search of fuel wood, herbs and water.

There is need for governments to address the gender inequalities within the extractive industry and review some of the laws to be more inclusive specifically on issues of compensation and resettlement for instance the compensation Act of Uganda which focuses only on the land owner and the one using the land; in Tanzanian just like Kenya the law on joint ownership is in place but the implementation is not seen when it comes to compensation given the fact that these are patriarchal societies where women do not own land and therefore have no say on the benefits of which in many instances is dictated by men; women are not engaged in the decision making processes as required in the policies. Governments further needs to implement the laws especially the environmental laws a cross East Africa region.

# SECTION 1

## INTRODUCTION



*Woman Mining Gold in Karamoja*  
Photo Credit: NAPE



### Study Context and Background

One of the unyielding topics in the discourse on the social economic impact of extractive industries world over is the consideration of the place of women in the extractive industries. Over the past few decades the discussion on a feminist perspective in extractive industry development has equally become entrenched in many debates and literature. The debate about the negative impacts of extractives on women is increasingly being discussed in the global development discourse. It has been argued that communities that live in areas that are occupied by the extractive activities seldomly benefit from the proceeds and in many instances live in abject poverty and women notably bare the greatest burden of the negative social, economic and environmental impacts of extractives activities in their communities given their gender roles. From the findings, it is reported that instead of mining/extractive industries uplifting many women from poverty, these industries have continued to subject them to socio-economic vulnerability and abject poverty. In Uganda's oil Graben just like in Northern Tanzania, studies have shown that as much as a lot of exploration activities have started and the level of poverty in those communities have increased (Actionaid Report, 2015). The extractives industry in Uganda, Kenya and Tanzania is rapidly growing especially with the discovery of vast oil and gas deposits in the Albertine Graben in Uganda, Kerio Valley & Lokichar Basin in Kenya and huge gas in Tanzania's Ruvu Basin Coastal Region and the increasing artisanal mining particularly in gold mining, salt mining, sand, tanzanite among others.

Discoveries of minerals in East Africa have been celebrated by governments, oil companies and other stakeholders. As extractives activities commence in these localities, a number of negative impacts have been registered among the communities and more especially on women such as loss of land, environmental degradation, food insecurity, social disruption, forced evictions, unfair compensation, domestic violence among others. Women have carried the major costs of the extraction of fossil fuels, usually exported in raw form to the global North and emerging parts of the

global South, yet enjoy few, if any, of the benefits. The environmental, air and associated health costs of the fossil fuels energy are significant. Mines have produced emissions, dust and polluted local water supplies, air and soil, whilst refineries produce pollution when they process oil into a refined product. This makes people sick and harms the environment for example in Mundurara and in sand mines in Kenya where the open pits have been a breeding ground for mosquitoes thereby affecting the health of women most especially the pregnant women. In addition, these pits have turned into uncontrolled garbage dumping grounds with all sorts of garbage from plastics to metals that destroys the environment (Field report: Actionaid, 2015). Women who manage natural resources and take care of their families and communities are the ones who bear most of these externalized impacts. These impacts have also jeopardized not only health but also livelihoods of the people for example studies from Niger Delta indicates that oil spills polluted water sources like wells and boreholes thereby affecting the health of women. Crops too in the farm lands have been contaminated with the chemical waste from the oil spills. Furthermore because of extractive activity and vibration of the land, it is reported that young women are aging early and yet government has been unable to hold the oil companies accountable while women who are the majority of subsistence farmers continue to suffer (WoMin, 2015).

Areas where oil mining is rapidly growing and the communities are experiencing the effects of environmental destruction and social disruption. Women in these areas rely on natural resources such as water, land and forest for their livelihoods, Small scale women farmers have been denied access to farmland appropriated by the extractive companies and remain stranded and some have been forced to stay in internally displaced camps e.g. the Rwamutoga camp in Uganda. Furthermore, forests have been destroyed by the





extractive activity and women cannot access them due to industrial restrictions and military personnel stationed in the name of protecting extractive industry workers and installations. With the destruction of the food and farming systems and influx of people into the area, the social systems have been disrupted.

Women's livelihoods in particular are threatened by the extractive industry given the fact that women as family providers of food, clean water and fuel-wood as well as care-givers, it is women who fret the most when they witness the wanton destruction being inflicted on the environment, as they are keenly aware of the fact that their roles are being made much more difficult to fulfil.

It has been noted that the development of extractive activities have significantly led to a shift in gender roles and responsibilities of people in mining regions, and significantly affected the rights of women for example many men have moved away from the villages to the urban centres leaving the women with sole responsibility of taking care of the family in addition to sending their children to school in other words, many women have forcefully become heads of households something that was not the case before

It was against this background that East Africa Global Alliance for Green & Gender Action (GAGGA) partners sought out to conduct research on the impacts of the extractives industry on land, environment and women's rights, across the three East African countries; Kenya, Tanzania and Uganda.

The study discusses the impacts of extractives industry on women and provides key impacts of extractives on women, issues of policy and institutional arrangements in the extractives industry at national and regional levels.

## Objectives of the Study

### Overall Objective:

To assess the state of extractive industry and its specific impacts on women's safety, livelihoods, health and the environment within selected localities in Kenya, Tanzania and Uganda.

### Specific objectives

1. To analyse the gendered impacts of extractives in the East African countries on land, environment and Women's rights.
2. To identify the key stakeholders and their power, weaknesses and influence in the extractives sector in East Africa.
3. To analyse the policy and institutional arrangements in the extractives industry at national and regional levels.

## Methodology

### Study Design

The study employed a qualitative dominant mixed methods design (Creswell & Plano Clark, 2007), in which a review of literature, focus group discussions (FGDs), key informant interviews and a household survey were conducted across the three countries. The study was also based on a feminist analysis in which the Women in Development approach (WID) was used to assess women's involvement in the extractives industries. Focus was given on women's exclusion and benefit from the extractive industry. It is clear that the extractive industries for example ignored the contribution that women can make and men seem to be dominating and benefiting more from the industry for example men have access to land and enjoy more natural resources rights compared to the women.

### Study Area

The study was conducted in Kenya, Tanzania and Uganda in sites that had high level of ongoing extractive activities. In Kenya, there was; Magarini sub county in the coastal region (salt), Homabay, Machakos and Mukueni from the Western and Eastern Kenya (sand). In Tanzania, field study was conducted in the northern part of Longido district, Mundarara village where there is mining of ruby gemstones and in Uganda the study was done in the Albertine Graben (comprising of three districts; Buliisa, Hoima and Nwoya) where there is ongoing mining activities taking place as a result of the discovery of oil and gas. The major limitations to the study were a) Limited access to information in government archives on oil & gas e.g the case of Oil production agreements in Uganda b) the study was also limited by the amount of timelines.

### Methods

The study implored key informant interviews (43), literature review, focus group discussions (9), and a household survey (60 households).

### Key informant Interviews:

There were 43 KIIs both state and non-state actors in the extractive.

### Focus Group Discussions:

Nine Focus group discussions with total of 90 participants were held in the study areas predominantly women's groups who are involved, affected by the mining/extractive activities.

### Household surveys:

In Tanzania, Longido district, Mundarara village 60 households were interviewed with semi structured questionnaires.

### Literature review:

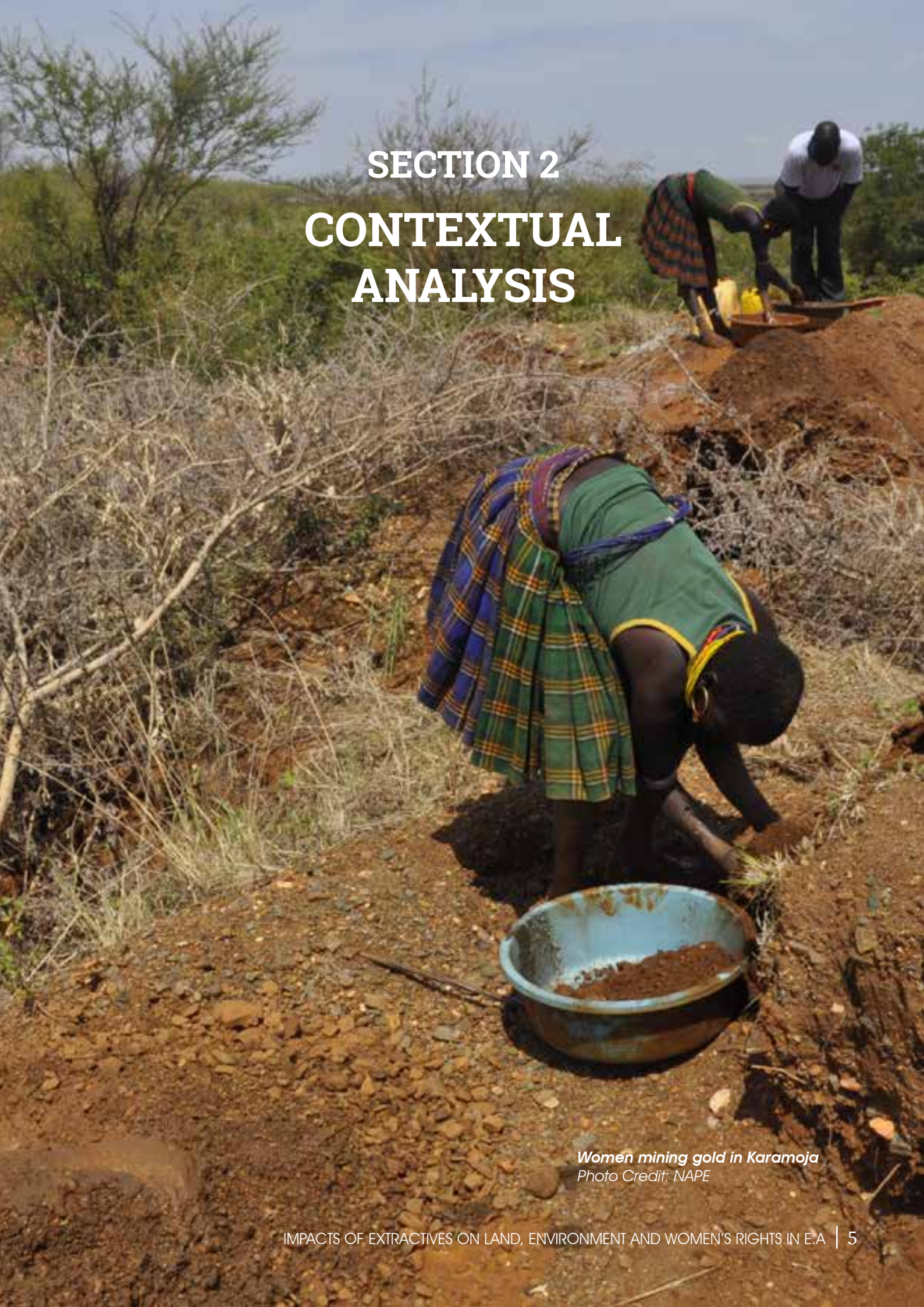
Desk reviews were conducted of key relevant documents. It should be noted that Nature Kenya and Women Fund Tanzania (WFT) conducted purely desk review research. The desk review included documents such as:

- Land policies
- Mineral and mining policies
- Environment policies
- Development plans
- Country gazettes
- Published reports or articles and
- Grey literature, among others
- Land Policies

### Ethical Considerations

Ethical approval for the studies was sought from respective Internal Review Boards. The study obtained research clearance and its intentions were communicated to all the local authorities. Micro-ethics were upheld, for example confidentiality and professionalism were adhered to while interviewing all the survey respondents, focus group participants and KIIs. Participants were notified to be free to withdraw from the study at any moment and were not required to respond to questions they felt uncomfortable with.



A woman in a green and blue plaid skirt is bent over, mining gold in a dry, hilly landscape. She is using a large metal bowl to collect the gold. In the background, another person is visible, also mining. The landscape is arid with sparse vegetation and dry soil.

## SECTION 2 CONTEXTUAL ANALYSIS

*Women mining gold in Karamoja*  
Photo Credit: NAPE



## Kenya

In Kenya four study areas/sites were chosen of which three were sand mining and one salt. Sand mining is practiced in counties proximate to major urban centres/towns such as Machakos, Makueni, Kajiado Homabay, Kisumu, and Busia among others.

For the purpose of this study, Machakos, Makueni and Homabay were chosen. Salt mining was in Magarini Sub County in Kilifi County located in the coastal region.

### Contextual Analysis of Sand mining in Machakos, Makueni and Homabay:

In Kenya, there has been a recent phenomenon in the form of commercial sand mining. It is new, widespread, undocumented and extremely destructive. It continues unabated in a highly unregulated manner that best serve to enrich a few people at the expense of the environment and consequently women who interface more often with the environment for their livelihoods. Since 2002, fueled by runaway infrastructural development in Kenya, commercial sand mining has gone on for a long time with weak regulatory frameworks like the implementation of the guidelines on sand mining, there remains a big gap in actualization of these environmental considerations. There are no stipulations on the punitive measures that should be undertaken if these provisions are not adhered to.

The social guidelines of the same consider the social welfare of the people working in the sand industry. They however remain blanket policies, with weak implementation consideration. The policy is silent on implementation procedures. The social considerations of the policy guidelines include and, in the end, women suffer the brunt of the negative effects on sand mining such as destruction of land for farming.

The laws in Kenya are apparently inadequate as far as regulation of sand mining is concern. The Mining Act of 1940 did not define sand as a mineral and therefore did not regulate its extraction.

The guidelines place emphasis on the need for Environmental Impact Assessment towards sand harvesting and even suggest institutions to manage the same but amidst all this, the business community involved in sand mining do not conduct EIAs and therefore government has not paid attention to the impacts of sand mining on environment and its negative impacts on the livelihoods especially women who engage more with the environment.

*The Environmental Management and Coordination Act (Amendment, 2015) also referred to as chapter 387 laws of Kenya is indolent on sand harvesting and does not provide clear provision on enforcement to ensure sustainable sand harvesting.*

With the promulgation of the Constitution of Kenya 2010 which ushered in the formation of County governments, the laws have finally come belatedly almost as an afterthought within affected counties driven by rampant killings in villages over sand mining conflicts and the need of revenue. The laws are now in place, with authorities grappling with implementation but the ship has already sailed.

Sand harvesting impacts on people and environment differently however, women whose livelihoods are more dependent on environment suffer immensely when the environment is destroyed, this implies robbing them of their livelihoods that ultimately leads to more consequences such as; land degradation, destruction of safe water sources, food insecurity, diseases and domestic violence of which all these if affected destroys a woman's life hence negatively affecting women and therefore there is need for governments and authorities to ensure that EIAs are conducted and sand mining regulations be implemented.





### Contextual Analysis of Salt Mining in Migarini sub county

Magarini is favoured for salt production because of the impermeable soils that make it easier to collect and store water in surface ponds for long periods. The salt is extracted from sea water that is pumped from the Indian Ocean into large, open ponds surrounded by dykes. The water in the ponds evaporates and the concentrated solution (brine) is then purified and transferred into crystallization ponds. The thick layer of salt that is deposited in the ponds after further evaporation is then broken up, collected, processed and packaged. The excess water and impurities drained from the evaporation and crystallization ponds are channelled back into the ocean. This method of salt extraction is a seasonal activity; taking place during the hot, dry seasons when the evaporation rates are very high.

There are currently seven salt production companies operating in Gongoni and Marareni wards: Krystalline Salt Limited, KEMU Salt Packers Production Limited, Kurawa Industries Limited, Malindi Salt Works, Kensalt Limited, Kurawa Salt Limited and Kaysalt Works Limited. The degree of cooperation and partnership among these companies varies. Some of the companies are owned by the same proprietors or operate on land leased from another salt company. Another company, Munyu, has acquired land in Marareni but has not begun operations.

During the periods of peak production, the salt companies employ hundreds of casual labourers. Men and women are hired for tasks such as harvesting and carrying raw salt from the crystallization ponds.

## Tanzania

### Contextual Analysis of Longido district Northern Tanzania

In the period 1967 to early 1990's, Tanzania's mineral sector was under state control and the mining sector

did not attract foreign investors. Privately owned investments were taken over by the state and for this reason, private investors were not attracted to the mining sector in Tanzania for fear of their properties being nationalized. As a result, the contribution of the mining sector to the national economy declined drastically during the period. Tanzania therefore adopted major reforms in its investments policy including the mining policy. The first important step for mining was the 1990 National Investment Promotion Policy.

According to TanzaniaInvest.com (2018) mining in Tanzania includes metals (gold, iron ore, nickel, copper, cobalt, silver), industrial minerals (SEA, tanzanite, ruby, garnet, limestone, soda ash, gypsum, salt, phosphate, gravel, sand, dimension stones and lately graphite), and fuel minerals (coal, uranium). In line with the many benefits that government boasts from the extractive industry, studies have shown that the activities are undertaken on village lands making the communities suffer a number of irregularities related to human rights and land appropriation. IWGIA (2017), states that the experience to date have been mostly negative to the point where the widespread expropriation of indigenous land for extractive projects has come to be termed as development aggression by indigenous communities/populations. More of these human rights violations have been reported in most parts of Tanzania where extractive industries are actively engaged.

Despite the evidence that rural communities in Tanzania have suffered a great deal from extractive industries in relation to human rights violations whereby women have come face to face with the negative impacts of extractive such as loss of land, diseases and unfair or no compensation like in Longido district, Northern region where there is mining of ruby gemstones.

## Uganda

### Contextual Analysis of Albertine Graben (Buliisa, Hoima and Nwoya)

The study sites are all located in the Albertine Graben where there has been discovery of oil and Gas and exploration activities have commenced amidst a lot of controversy around oil discovery where government on one hand is celebrating and on the side the public is lamenting on the negative impacts associated with it. Uganda's existing investment policy on Extractives is skewed towards protecting the interests of foreign investors with the aim of attracting and securing greater Foreign Direct Investment (FDI) flows' SEATINI, (2016:74). The milieu of liberalized investment, fragmented mineral management framework and local speculation has created what has been characterized as an oil curse. In the past decade to date, the local media has been reporting of cases of land evictions, grabbing and tensions among the communities affected in the oil region. For example in Bullisa district where there is an ongoing intense community conflict in relation to establishment of a central processing facility by Tullow E&P, in Hoima District, 250 Households were evicted to establish an oil waste treatment plant by McAlester energy resources Limited, Oil refinery has led to the displacement and landlessness of many locals and women have been reported to be more affected for example women have turned into prostitution as alternative source of livelihoods despite the risks of contracting diseases such HIV/AIDS. Over 6000 people have been evicted from land where an oil refinery will be constructed in Kigaaga and Kaiso Tonya areas to facilitate infrastructural development for oil exploration and excavation has left many locals displaced without adequate compensation

In Uganda many rural communities main source of livelihood is agriculture of which women are the majority of the workforce in agriculture sector (76% against 62% of male workforce) and are responsible for the food security. The unprecedented land purchase and large-scale investment points to the inherent cracks in land governance with direct consequences for the majority poor especially women, whose land rights are rather fluid and who, at the same time, have the primary responsibility for food production.

Oil deals take place in the context of unaccountable systems that lack transparency hence leading to violation of human rights, extreme tensions, unfair compensations and displacements. In this particular situation where customary leadership has weakened, women face difficulty in negotiating and defending their rights to their livelihoods, environment and land with the increased demand for development coming with oil discovery and expansion of investment in agricultural land.



## SECTION 3 FINDINGS

*Woman Using super glue in katwe salt mines Uganda to treat salt wounds*

*Photo Credit: NAPE*



## The State of Environment, Land and Women's Rights in the Landscape

### Salt Mining

Salt production is an extensive activity during which large tracts of land are converted for the construction of ponds, dykes, drainage channels, access roads and processing plants, and to accommodate gigantic heaps of raw salt. In Magarini, thousands of hectares of mangroves, woodlands and farmlands that supported diverse species have been cleared off vegetation. The destruction of these mangroves has been particularly significant because of the negative impacts on plants and animals; both onshore and offshore. Some of the salt companies have blocked access to traditional landing points for fishing. Several streams have been diverted from their natural course in order to reduce the amount of runoff entering the salt ponds during the rainy season. The construction of dykes parallel to the coastline has blocked the free flow of water towards the ocean, resulting in periodic flooding within low-lying areas. All these have affected production of food leading to food insecurity among the population of which is common knowledge that when there is scarcity/no food, the burden of looking for food to feed the family is levied on the woman. Fishing that has been the traditional economic activity has been destroyed and the periodic floods destroy crops.

The farmland that was converted for salt production was previously occupied by families who were declared squatters and evicted from homes that they had occupied for generations because, they had not yet been issued with title deeds. This impacted negatively on the lives of women who had to secure places to call home for their children and the elders they cared for furthermore family disruption caused women to be deserted by their spouses increasing the burden of care economy without resources.

The residents who resisted displacement have suffered harassment by the company representatives, local administration and police. The companies strategically constructed ponds around their homes or blocked their access roads. Access to the wells and springs that the community relied on for potable water was also blocked. In one particularly bad case, a well was deliberately contaminated with waste from the processing plant in order to render it unusable and this impacted gravely on the lives of women who could not access clean water but also didn't have freedom to move freely and furthermore harassment by the police, local administration posed a security threat that not only infringes on rights of women to free movement but emotionally destroys them.

The majority of people living in Magarini's salt belt are from the Giriama community. There is a patriarchal and conservative society in which men dominate decision making and land/property ownership, as well as the leadership of traditional and administrative structures given this structures, women are side-lined in every

*Daily Monitor  
Newspaper 12th July  
2017*

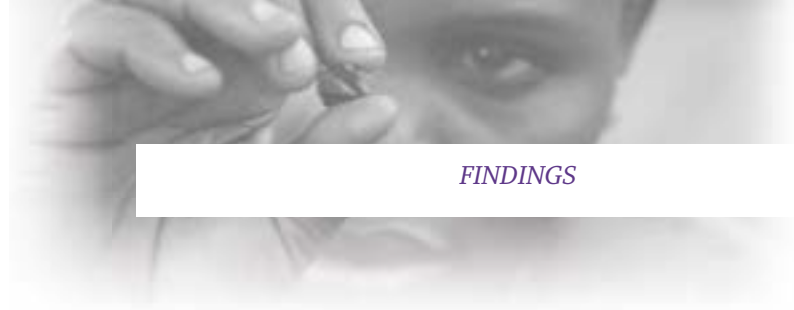
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*<https://www.madini.go.tz/wp-content/uploads/2018/01/Inspection-Manual-Large-and-Medium-Scale-with-queries-answered-Ritika's-iMacs-conflicted-copy-2017-01-24.pdf>  
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2016. ([http://www.repoa.or.tz/documents/RR\\_17\\_1.pdf](http://www.repoa.or.tz/documents/RR_17_1.pdf))*





process and their rights to participation at all levels as enshrined in the constitution is violated. Even when present, women tend to defer to men during public discourse on governance issues. They have faced additional marginalisation and violations during the expansion of salt production in Magarini. For example, many widows were forced out of their homes with virtually no compensation simply because the customs says women don't own land. Men who were considered heads of the affected households (that is women's fathers, husbands or brothers) controlled the spending of whatever little compensation that their families received from the companies. This implied women's rights to land ownership or even their user rights does not count given the fact that they are not allowed to contribute in debates.

Poverty among women in Magarini has been exacerbated by their diminished access to farm produce and water which had been their main source of livelihoods. They are now forced to purchase water, vegetables, firewood and other basic necessities from local distributors. In an area where there are few livelihood opportunities, women have resorted to working for the salt companies for very low wages with no bargaining power.

Sexual reproductive health rights of women have been violated due to their vulnerability to some health hazards associated with manually harvesting and ferrying raw salt without adequate protective gear. There are examples of several documented cases of miscarriages and other reproductive health problems among women labourers. In addition, the nauseating vapours from the salt ponds and wind-borne particles from the piles of raw salt are associated with an increase in skin, eye, lung, stomach and heart infections among local residents. Women reported that the salt ponds and waste water from the processing plants attract flies and other agents of disease.

### Compensation

When the salt companies took possession of the land, they offered the residents meagre compensation for any existing buildings (permanent or semi-permanent houses), crops and trees such as coconuts, mangoes and cashew nuts. There was no compensation for the occupants' future loss of income. Many illiterate community members were forced to sign documents indicating that they were squatters on the land before they received any cash compensation. When some residents refused to accept the compensation, fraudsters purported to sign the documents on their behalf and disappeared with the money. None of the displaced community members were allocated an alternative place to live and therefore, the majority of the displaced settled elsewhere as squatters or tenants (for those who could afford).

### Sand Mining

Sand mining has led to massive environmental degradation such as; as land, fresh and marine waters, forests and biodiversity that has threatened the livelihoods of many people. They undermine the sink function of the environment which operates through such processes as nutrient recycling, decomposition and the natural purification and filtering of air and water.

Women in Kenya, as elsewhere in developing countries, are denied the full enjoyment of property and land rights, inspite of the government's commitment to promoting gender equality by ratifying international instruments that seek to protect women's rights. Until August 2010, the constitution prohibited discrimination on the basis of sex, but undermined this protection by condoning discrimination under personal and customary laws. Kenya has made positive steps in developing a Constitution that reflects international standards of gender equality, and enacting laws to give effect to the constitutional provisions. However, due to the deeply entrenched

prevailing patriarchal attitudes, it is still difficult to attain the equality envisioned by the Constitution of Kenya 2010. The newly enacted laws, including the National Land Commission Act 2012, the Land Act 2012 and the land registration Act 2012 all entrench principles of gender equality in access to land. The general public is not yet fully aware of the new changes that are likely to improve the women's life if fully implemented.

Among Kenyan communities, women ordinarily do not own land or movable property. At best, women's rights are hinged on their relationship to men either as their husbands, fathers or brothers who own and control land, while women are relegated to the right of use only. Although Kenya now has comprehensive laws that should translate to benefits for women in relation to their land and property rights, in practical terms women are still disadvantaged in terms of access to and control of economic structures and resources.

### Mining of Ruby gemstone

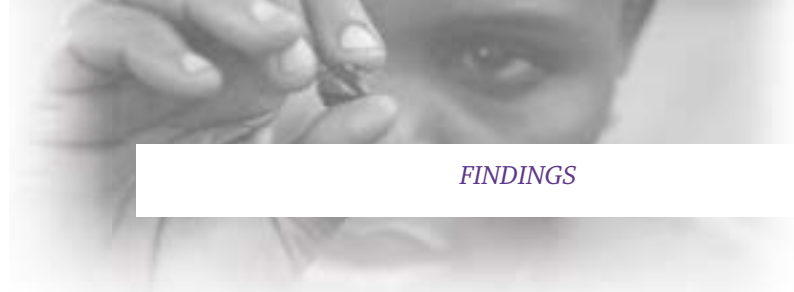
According to the 2nd report of 2014 on the State of the Tanzania Environment, the country is gifted with various environmental resources among them, forests, water, marine and freshwater bodies and their biodiversity, wetlands, wildlife land, renewable energy sources, natural gas and minerals. The report identifies deterioration of the above environmental resources as the main challenge and in addition, the country is faced with various natural disasters. Actions or responses are identified in all the areas to effect environmental sustainability that includes law enforcement, research and community participation, inter-alia. Tanzania is a state party to key international and regional human rights documents, including the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development. At

the domestic policy level there is the 'Vision 2025' that recognizes the importance of gender equality and the empowerment of women in the Five-Year Development Plan that underlines gender mainstreaming and describes specific strategies in all sectors. Another commitment of the Government of Tanzania is the support for the wider participation of women in the government decision-making, through the formulation of a Gender Policy and Women and Gender Development Policy (WGDP).

The 1977 constitution of Tanzania outlaws discrimination based on gender. Coalition of women NGOs have raised issues to form part of the proposed new constitution that include among others, articulation of women's rights and dignity focusing on women's rights to access, control and benefit from national resources among others. While progress has been made concerning protection and fulfilling women's rights in Tanzania, the gender gap and gender balance remain issues to reckon with in different sectors. Less women than men pursue secondary education and university studies, more women are represented among the poor and the low paid, women's representation in politics is low, agricultural and domestic work still lies heavily on women's shoulders, gender stereotypes and visible hierarchies and discriminations in employment and occupational segregation. In the UN Global Gender gap index of 2017, Tanzania ranks number 68 out of 144 countries based on economic participation, education attainment, health and political empowerment.

In relation to women's ownership of land, there is not-so explicit articulation in the constitution of the United Republic of Tanzania on the issue of land ownership. Legislation on Gender Equality and Protection of Women's rights include Sexual Offences Provision Act of 1999, Village Land Act No.5 of 1999 that establishes equality in ownership





of land between men and women but runs parallel with the customary laws that are based on patriarchal principles and denies women the rights to own and inherit clan land. The National Gender Policy of 2000 and the National Gender Development Strategy of 2005 provide guiding statements in integrating women's rights principles in the national legislation and practices. EI policies include gender mainstreaming but generally remain gender blind due to the elusive nature of integrating women concerns and interests in the sector. The UN Women Report of 2016 revealed that where gender-responsive policies were in place, they were barely being enforced, as there was little evidence of the presence or implementation of any gender-responsive policies or regulations at the EI sites thus calling for a more in-depth assessment for gender-responsiveness, of implementation of policies and regulations that are pertinent to the EI.

Tanzania Extractive Industry (Transparency and Accountability) Act contains relevant frameworks for gender equality accountability in the different reports and information required to be published, CSR and the environment. The Ministry of Minerals Inspection Manual for Small Scale Large and and-Medium-Scale-Mines with-queries include aspects like assessing number of both female and male number of employees, changing rooms, paid maternity leave, salary payments and separate toilets.

According to the Mining Act, 2010, mining requires heavy investment which explains why many women remain active as participants in the artisanal small scale mining instead. The Mining Act establishes that: if the capital investment in a mine is not less than US \$100,000,000 the mine is referred to as a large-scale mine. Similarly, if the capital investment in a mine is between US \$100,000 and US \$100,000,000, the mine is referred to as a medium-scale mine. Both large-and medium-scale mines prior to beginning their operations require Special Mining Licenses (SML) and a Mining Licenses (ML) . Traditionally, women rights are not the target of large scale mining mainly

because good relations with the local community have not been an important part of the mining culture in Tanzania like in other developing countries and the result is a situation of mistrust. Other government stakeholders of relevance for Gender and EI are the National Economic Empowerment Council (NEEC), Small Industrial Development Organization (SIDO) which will provide necessary trainings and build technology and business skills and create awareness about women's rights and women's participation in the EI including HakiMadini, Tanzania Women Miners Association (TAWOMA) among others.

#### **Buseruka and Ngwendo Sub Counties in Hoima, Nwoya and Buliisa Districts**

The Albertine Graben is rich in oil and hosts the richest bio-diversity of Africa. During key informant interviews, the majority of the informants expressed concerns that the ongoing oil exploration is adversely affecting the bio-diversity of the region. Evidence of negative environmental concerns as a result of oil activities have started to emerge, with the grass root women being the most affected. The immediate concerns vis-à-vis environmental impacts include; pollution of the natural environment, effects of pollution on water, ecosystems and biodiversity. Other aspects include: socio economic (and cultural) impacts, reduced livelihoods, and effects on agriculture, food security, health and maternal wellbeing among others. Most of the women in the area are not educated and lack access to information to enable them articulate their rights and this makes it difficult for them to defend their rights which are trampled on most of the time. In the daily lives of the women, men, girls, and boys affected by EI projects, there is absence of women's agency in consultation and decision-making that translates into a range of human rights infringements.

Land is expropriated for EI projects, women's livelihoods and food security are put in jeopardy and this has huge negative impacts on women. Once land is taken then the production of food has been undermined. A risk of HIV and AIDS and violence against women escalates with the influx of transient workers, the transition to a cash economy and emergence of new socio-economic stresses. For instance, many young women resort to prostitution as alternative source of livelihoods.

Furthermore, as vital resources like water and wood become scarce and water becomes more polluted, women and girls' unpaid care work has increased dramatically. The introduction of an EI Project has caused a shift in gender power relations within affected communities that further strips the balance of power away from women and increases gender inequality hence poverty that ultimately undermines the development potential of the EI sector and this has happened because the needs of both men and women were not considered in initiation stage.

## AN ANALYSIS OF STAKEHOLDERS IN THE EXTRACTIVE SECTOR

In this study, a range of stakeholders in the extractive sector were examined, particularly their power (whether high, medium or low), weaknesses, and influence in each country. Stakeholders were taken to be any persons or organizations, which can be positively or negatively, affected by an intervention, or cause an impact on the actions of a project or organization, in this case the extractives sector. Table 2 reveals that the stakeholders include government institutions, non-government institutions, the private sector and civil society.

### The Key Stakeholders in the Three Study Countries

Country	Stakeholder/Actor	Mandate and expected actions	Power	Weakness	Influence
Kenya	National Assembly	<ul style="list-style-type: none"> <li>• Making laws and monitoring their implementation at the county level</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>	<ul style="list-style-type: none"> <li>• Little priority given to policies related to impacts of extractives</li> </ul>	<ul style="list-style-type: none"> <li>• High (Representative of the people and key in policy and decision making)</li> </ul>
	National Land Commission	<ul style="list-style-type: none"> <li>• Land adjudication</li> <li>• issuance of title deeds</li> <li>• Facilitating conflict resolution</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>	<ul style="list-style-type: none"> <li>• Unable to act substantively and conclusively on several issues especially in the salt belt</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>
	Lands, Environment, forestry, Mining & Industry ministries	<ul style="list-style-type: none"> <li>• Penalising salt companies for encroachment</li> <li>• Enforcement of industrial standards and labour laws</li> <li>• Resettlement of displaced households</li> <li>• protect, conserve and manage the environment and natural resources for social economic development</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>	<ul style="list-style-type: none"> <li>• Also unable to act substantively</li> <li>• Little priority given to policies related to impacts of extractives</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>



Country	Stakeholder/Actor	Mandate and expected actions	Power	Weakness	Influence
	Ministry of East Africa Cooperation, Labour and Social protection	<ul style="list-style-type: none"> <li>• Protection of rights of marginalized groups including women</li> <li>• Inform Policy making and program development</li> </ul>	• High	<ul style="list-style-type: none"> <li>• Little priority given to effects of extractives of women</li> </ul>	• High
	Judiciary	<ul style="list-style-type: none"> <li>• Fair hearing for human rights defenders arrested/ tried for various charges</li> <li>• Fair hearing and prompt resolution of land disputes</li> </ul>	• High	<ul style="list-style-type: none"> <li>• Weak in Monitoring implementation / enforcement of relevant policies, especially those dealing with gender, oil &amp; gas, the environment</li> </ul>	• High
	National Environmental Management Authority (NEMA)	<ul style="list-style-type: none"> <li>• Enforcement and monitoring of environmental laws and regulations</li> <li>• Environmental Impact Assessment</li> <li>• Monitor compliance with environmental management plans</li> <li>• Enforcement of licence conditions and improvement orders</li> </ul>	• High	<ul style="list-style-type: none"> <li>• Weak enforcement of environmental laws and regulation</li> </ul>	• High
	Police Service Commission	<ul style="list-style-type: none"> <li>• Investigation of human rights violations by the police</li> <li>• Accountability for errant and corrupt police officers</li> </ul>	• High	<ul style="list-style-type: none"> <li>• Not as effective in investigating police officers</li> </ul>	•Medium
	KNCHR	<ul style="list-style-type: none"> <li>• Articulation of human rights and violations</li> <li>• Facilitating conflict resolution</li> </ul>	•Medium	<ul style="list-style-type: none"> <li>• Limited evidence building capacity to persue rights</li> </ul>	•Medium
	County Executive and County Assembly	<ul style="list-style-type: none"> <li>• Facilitating public participation in decision making</li> <li>• Facilitating access to information</li> <li>• Enacting and enforcing laws to promote accountable governance of local resources</li> <li>• Monitoring of environmental impacts of salt extraction</li> <li>• Facilitating conflict resolution</li> <li>• Protection and restoration of natural resources (mangroves, rivers)</li> </ul>	•Medium	<ul style="list-style-type: none"> <li>• Inadequate capacity to facilitate public participation and conflict resolution among others</li> <li>• Not sensitive or aware to issues affecting women</li> </ul>	•Medium
	County governments/ environment committees	<ul style="list-style-type: none"> <li>• Financial and human resource management</li> <li>• Limited capacity to effectively engage</li> <li>• Law enforcement and monitoring</li> </ul>	•Medium	<ul style="list-style-type: none"> <li>• Limited financial and human resources resulting to non – prioritization of issues affecting women</li> </ul>	•Medium
	Salt dealers/ companies/ associations	<ul style="list-style-type: none"> <li>• Trade in sand</li> <li>• Providing long-term and seasonal employment</li> <li>• Occupational health and safety</li> <li>• Use of appropriate technology</li> <li>• Responsible use of natural resources</li> <li>• Responsible pricing of products</li> <li>• Sustained corporate social responsibility</li> </ul>	• Low	<ul style="list-style-type: none"> <li>• Do not entirely ensure occupational health for example</li> <li>• Limited power and capacity to effectively engage</li> <li>• Sometimes driven by greed operating in disregard of the laws</li> </ul>	•Medium

## FINDINGS

Country	Stakeholder/Actor	Mandate and expected actions	Power	Weakness	Influence
	Other companies	<ul style="list-style-type: none"> <li>• Providing long-term and seasonal employment</li> <li>• Responsible pricing of products</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>	<ul style="list-style-type: none"> <li>• Do not respond to issues of human rights since they are always siding with governments for profit</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>
	Media	<ul style="list-style-type: none"> <li>• Facilitating access to information</li> <li>• Raising awareness of human rights and violations</li> <li>• Civic education</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>	<ul style="list-style-type: none"> <li>• Limited reporters and media experts to cover women's issues in extractives</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> </ul>
	National, civil and community-based organisations e.g., women rights or environment-based	<ul style="list-style-type: none"> <li>• Research and documentation</li> <li>• Training and mentoring in advocacy and lobbying</li> <li>• Raising awareness of human rights and violations</li> <li>• Facilitating access to information</li> <li>• Facilitating conflict resolution and litigation</li> <li>• Support and protection of human rights defenders</li> <li>• Civic education</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> </ul>	<ul style="list-style-type: none"> <li>• Little priority given to effects of women by extractives</li> <li>• Little regard to social matters affecting the environment</li> <li>• Limited capacity to effectively engage</li> </ul>	<ul style="list-style-type: none"> <li>• Low</li> </ul>
	Community	<ul style="list-style-type: none"> <li>• Promoting cohesion among different interest groups (fishermen, farmers, labourers, traders, herders)</li> <li>• Facilitating inclusive discourse and decision making</li> <li>• Pursuing conflict resolution and litigation</li> <li>• Dialogue with other stakeholders</li> <li>• Recognising and promoting the rights of women, men, youth and children</li> <li>• Protecting vulnerable members (displaced families, elderly, youth, disabled)</li> <li>• Protection of human rights defenders and their families</li> <li>• Protection and restoration of natural resources (mangroves, rivers)</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> </ul>	<ul style="list-style-type: none"> <li>• May not be ready for cohesion</li> <li>• Cannot act alone, need other stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Medium</li> </ul>
Tanzania	Parliament	<ul style="list-style-type: none"> <li>• Oversight of the country's budget</li> <li>• Legislative body</li> <li>• Holds executive accountable</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>	<ul style="list-style-type: none"> <li>• Needs to be more powerful to influence its functions, constitutional powers be exercised on issues of national interests</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>
	Ministry for Energy and Minerals/ Commissioner for Minerals	<ul style="list-style-type: none"> <li>• Grants mineral rights through issuing mining licenses and can withdraw approvals</li> <li>• The minister may, by order published in the Gazette, designate any vacant area or declare any area deemed to have been designated as an area exclusively reserved for prospecting and mining</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>	<ul style="list-style-type: none"> <li>• May designate an area without the consent of owners</li> </ul>	<ul style="list-style-type: none"> <li>• High</li> </ul>



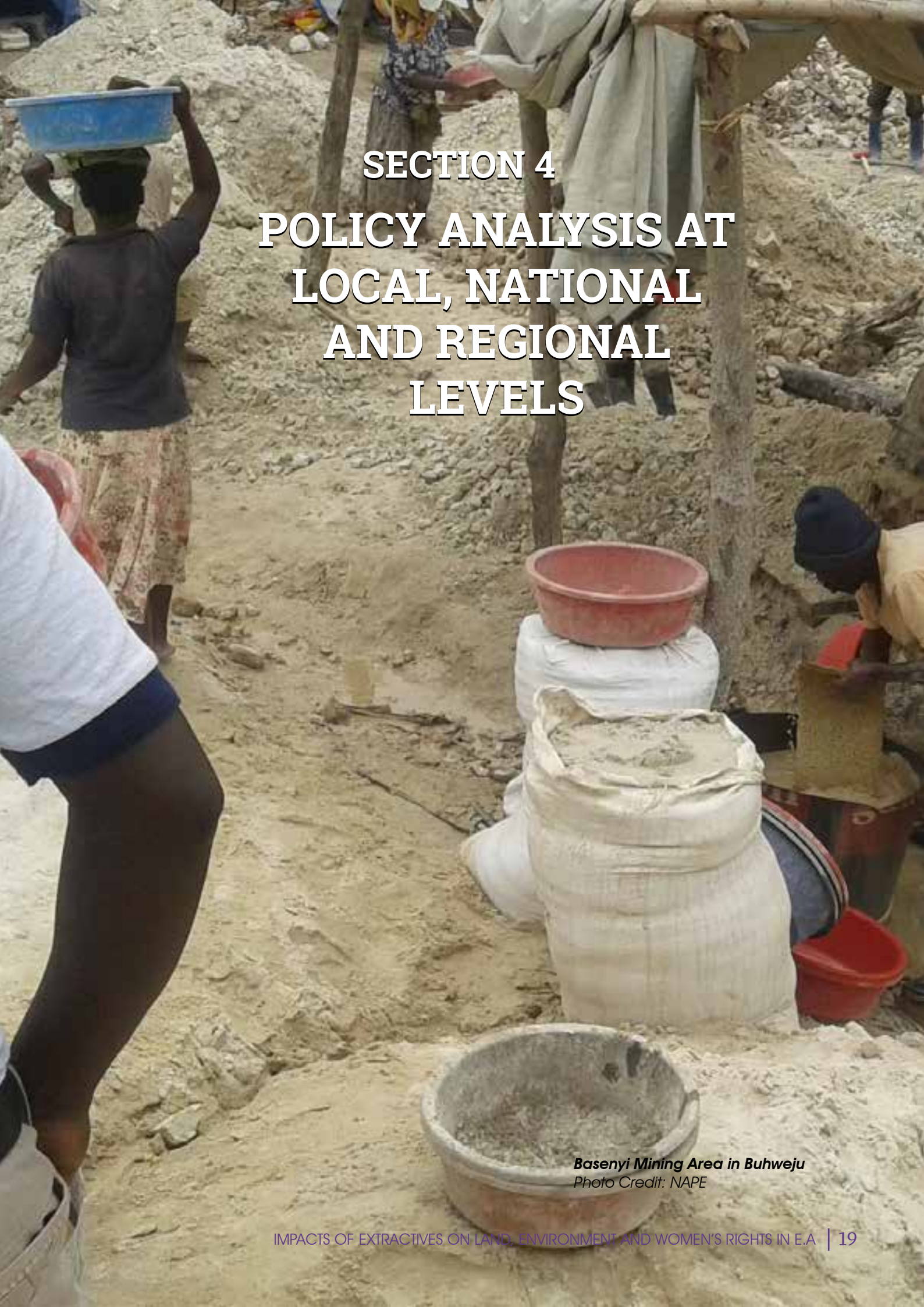
Country	Stakeholder/Actor	Mandate and expected actions	Power	Weakness	Influence
		<p>operations by persons holding primary mining licenses</p> <ul style="list-style-type: none"> <li>• Commissioner is secretary to Mining Advisory Board, registers applications and issue mineral processing licenses &amp; Inquires into and decides all disputes between persons engaged in prospecting or mining operations,</li> <li>• Maintains a central register of all mineral rights</li> </ul>			
	Chief Inspector of Mines Zonal Mines Officers	<ul style="list-style-type: none"> <li>• Grant primary licences</li> <li>• Renew licences application</li> <li>• Grant dealer licences in their respective zone officers</li> <li>• Maintain registers of all mineral rights, applications, grants, assignments, transfers, suspension and cancellation</li> </ul>	• High	• Need to be linked well by law with local authorities and village councils	• High
	Minister for Environment	<ul style="list-style-type: none"> <li>• Overall responsible for matters relating to the environment and articulation of policy guidelines for promotion, protection and sustainable management of the environment in Tanzania</li> </ul>	• High	• Has limited powers in the laws and procedures	• High
	National Environment Management Council	<ul style="list-style-type: none"> <li>• Carry out environmental audit</li> <li>• Carry out surveys which will assist in proper management &amp; conservation of the environment,</li> <li>• Undertakes and co-ordinates research, investigation &amp; surveys in the field of environment and collect, and disseminate information,</li> <li>• Reviews and recommend for approval of environment impact statements;</li> <li>• Identifies projects and programmes or types of projects and programmes, for which environmental audit or environmental monitoring must be conducted,</li> <li>• Enforces and ensures compliance of the national environmental quality standards</li> </ul>	• High	• Has failed to implement some laws including some on extractives	• High
	Village Councils and Local Authorities	<ul style="list-style-type: none"> <li>• Responsible for Village leadership</li> </ul>	• Low	• Under Funded	•Medium

## FINDINGS

Country	Stakeholder/Actor	Mandate and expected actions	Power	Weakness	Influence
Uganda	Parliament	• Making laws on oil and extractives	• High	• Laws made but minimal attention given to gender and extractives	• High
	Ministry of Water and Environment	• Implementation of oil and gas policy and mineral policies	• High		• High
	National Environment Management Authority (NEMA)	• Responsible for environmental management, including extractives	• High	• Not able to reach all areas • Lacks capacity to implement	• High
	Ministry of Energy and Mineral Development	• Enforcement of irrelevant laws and standards in mining sector • Resettlement of displaced and compensating them	• High	• Also unable to act substantively	• High
	Uganda Wildlife Authority (UWA)	• Responsible for all protected areas in the graben and the whole of Uganda	• High	• Cannot monitor all protected areas in Albertine graben	• High
	District Local Governments (Buliisa, Hoima etc.)	• Implementing mandate of government	• Medium	• Do not have the capacity to implement policy	• Medium
	Uganda Human Rights Commission	• Overseeing & monitoring human rights issues	• Medium	• Not able to cover all the victims especially women affected	• Medium
	Development partners/ Donors	• Explore and produce oil	• Medium		• Medium
	Oil companies	• Provide aid	• Medium		• Medium
	Media	• Shape and share information	• Medium	• Few journalists reporting on extractive & women issues	• Medium
	Local leaders		• Low	• Many are corrupt and don't clearly present issues that concern women and extractives	• Low
	Community	• Seek accountability from their leaders	• Low	• Lack legal interpretation of laws & policy. • Communities are not empowered to defend their rights	• Low
	NGO/Civil society organizations	• Organise and sensitize communities about on rights-based advocacy	• Low	• Inadequate funding and intimidation from states	• Low

The key stakeholders in extractives in the three East African countries are the government or state institutions, private mining companies, the media, civil society organisations and the local community. Most of the power to address human rights and issues facing women in extractives lies with the states and mandated institutions, particularly the institutions operating at national level such as ministries of environment or minerals, Gender and environment authorities. Unfortunately, most of these institutions are unable to act substantively on matters concerning women's rights and extractives, or do not give these issues priority probably because they don't view issues affecting women as critical to development or lack of capacity to implement these laws. Changing this statusquo requires informed and strategic lobbying, advocacy and civic education as means through which the leaders of the key institutions may eventually bring about a change in the extractives sector.





## SECTION 4

# POLICY ANALYSIS AT LOCAL, NATIONAL AND REGIONAL LEVELS

*Basenyi Mining Area in Buhweju*  
Photo Credit: NAPE

## POLICY MAKING PROCESSES

### Political Actors

#### Kenya

Under the 2010 constitution, the main political actors in Kenya are the president (also head of state and government in a multi-party system), cabinet, the bicarmel parliament, the legislature, the judiciary (which coordinates the administration of justice through a system of courts), and the executive. The bicarmel Parliament that consists of a National Assembly and Senate whose roles include making laws, controlling the finances of the state and also checking the actions of government and the Ministries. Kenya is divided into 47 counties, each comprising a whole number of 290 Parliamentary constituencies. Each county has an elected Assembly, whose members are elected from single-member wards. There are provisions for additional Assembly members to be appointed to improve the gender balance and to represent special groups such as persons with disabilities and youth. Each county is administered by an elected Governor and Deputy Governor, backed by an Executive Committee whose other members are drawn from the county assembly.

#### Tanzania

Just like Kenya, the main political actors in Tanzania include the president, cabinet, the parliament or the legislature (where government has made some changes but debates continue), the judiciary and the executive. Others include the Ministry of Minerals in charge of policy making on behalf of the government in collaboration with other stakeholders including citizens and NGOs.

#### Uganda

In Uganda, the main political actors include the Executive, the judiciary and the parliament.

### Law and Policy Environment on Extractives

The Constitution of Kenya 2010 is the overarching law that governs natural resources in Kenya. Article 60 requires that land be held, used and managed in a manner that is equitable, efficient, productive and

sustainable, and in accordance with a set of principles including security of land rights; sustainable and productive management of land resources; sound conservation and protection of ecologically sensitive areas; and the elimination of gender discrimination in law, customs and practices related to land and property in land.

Article 69 (1) (a) of the Constitution bestows on the State the responsibility to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure equitable sharing of the accruing benefits. Given the provision of gender discrimination in all aspects related to land and property, it's clear from the findings that a lot has to be done especially in the coastal region where it is reported that women do not have any say on land governance because they live by their customs. There is need to actualize the provisions in the constitution.

**Vision 2030:** envisions gender mainstreaming in all government policies, plans and programs to ensure that the needs and interests of women and girls are addressed. Its social pillar identifies gender concerns, in particular, equity in resource distribution & power between the sexes as a priority & aims at increasing holistic opportunities among women and their participation in all economic, social and political decision-making processes. One of the flagship strategies calls for efficient use of natural resources to harness the positive effects of sand harvesting on women however, a lot is yet to be seen as this is not reflected in many activities of extractives. The Medium-Term Plan II (2013- 2017) has the theme of promoting equity in access, control and participation in resource distribution for improved livelihood for women and yet to date it's reported that women in areas endowed with natural resources live in abject poverty for instance in Magarini.

The Tanzania Land Policy 2016 (Under review) provides opportunities for capacity building on land rights among village councils to raise awareness on land administration and makes



emphasis on capacity building on laws to support women's rights to land and participate in decision making bodies and processes however this still remains a gap as women are not involved in decision making processes and their capacity to advocate for their rights to land ownership remains on paper. It further attempts to mainstream gender in Tanzania's local land governance and ensures that women in rural areas have access to ownership of land and other natural resources available but from the findings in Mundurara women have lost their lands with unfair compensation or no compensation at all and government has not been in position to hold the companies responsible, accountable this therefore implies that the implementation of the policy is yet to be achieved.

The Tanzania Mineral Policy, 2009 aims at promoting women's participation in mining activities but falls short by mentioning gender as a cross-cutting issue and with this, there has been minimal participation of women in the mining sector and those who are engaged only work for peanuts as casual workers, this is attributed to among other low levels of literacy. Furthermore, when gender becomes cross-cutting then many times the needs of women are not taken into consideration during implementation.

The Tanzania Mining Act, 2010 is gender blind and bears no reference to human rights and rights of women. Law Enforcement in Child Labour is mentioned without gender specificity and this leaves a lot of gaps that affects the lives of women. The law has to be explicit on the needs/ rights of women and positioning them as stakeholders in the mining sector.

The Uganda National Oil and Gas Policy explicitly addresses the social impacts of changes to population distribution, energy availability, employment opportunities and patterns, environment and health issues however, gender dynamics are not considered in these areas, and the sector's impact on gender relations as a discrete area of focus is entirely absent with this kind of policy, the rights of women will continue to be violated if not addressed at the early stages as it is already seen extractive explorations has displaced many women leaving them

landless/homeless because the compensation Act did not take into account the user rights to land or as co-owners but rather compensated "only" land owners who in customary setting are men.

### Regional Policies

Kenya, like Tanzania and Uganda have ratified international treaties requiring them to eliminate all forms of discrimination against women, including discrimination in marriage and family relations, to guarantee equality before the law and the equal protection of the law, and ensure that women have effective remedies if their rights are violated. In Kenya for example the Constitution (Article 2), states that the general rules of international law shall form part of the law of Kenya. This means that every instrument that Kenya has ratified at regional or international level becomes part of Kenyan law.

Most of the principles contained in the Constitutions and other laws of the three study countries have been borrowed from these instruments. Examples of these instruments include;

### African Charter on Human and Peoples' Rights (ACHPR)

Adopted in June 1981 by the organization of African Unity (OAU), now the African Union (AU) to provide a human rights framework for Africa that considers the peculiar circumstances of the continent. The ACHPR gives recognition to rights of women by stating under Article 2 that; "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status."

### The Common Market for Eastern and Southern Africa (COMESA) Gender policy

This policy recognizes that women and men in their different roles have unequal access to resources and benefits, and that women have limited access to land. Sustainable economic and social development of the region requires the full and equal participation

of women, men and youth. Articles 154 and 155 of the COMESA treaty recognize the critical and important contribution of women to the economic and social transformation of the region. The treaty also recognizes the role of women in business especially participation in Agriculture, Industry and Trade.

#### **East Africa Community Treaty Article 6 (d) of EAC**

Treaty recognizes gender equality as one of its fundamental principles that shall govern the community. It also recognizes the promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights therefore prohibiting gender discrimination in land and property issues.

### **Policy Making Processes**

#### **Kenya**

Policy making in Kenya is a process that involves many actors under different levels. Among these are: a Bicameral Parliament consisting of the National Assembly and the Senate; creation of 47 County Assemblies in each of the 47 counties; and the requirement for public participation in policy making and legislation. In essence the legislative process is now devolved.

The rules and procedures of making legislation in Kenya have been sufficiently expanded and fundamentally altered. Under the devolved system of government, we now have the Senate and National Assembly at the national level and the County Assemblies at the county level as the primary legislative organs. Used well, the new legislative regime could have a huge impact on development and ensure harmony between the laws developed at the county level as well as those developed at the national level.

But this is only possible if constitutional principles, legislative requirements as well as tenets of drafting legislation are given sufficient consideration throughout the legislative continuum.

#### **Tanzania**

The Ministry of Minerals is in charge of policy making on behalf of the government in collaboration with other stakeholders including citizens and NGOs. Laws are passed by the parliament after drafts are presented by the government. The government has improved its level of engagement with stakeholders, including non-state actors but communication and policy coordination between ministries, departments and agencies remains poor. Following the recent natural gas series of reforms have ensued in ensuring the maximization of benefits to Tanzanians. Political actors have made systematic enquiries in parliament about contract transparency in the mining sector. Government has made some changes but debates continue. The lack of contract transparency as demanded by parliament generates mistrust and sustains a view that companies profit from the country's resources more than they should.

#### **Uganda**

Policy making in Uganda is a responsibility of the parliament, which also has its rules and procedures. The government, through the Ministry of Energy and Mineral Development and the Ministry of Water and Environment proposes bills or draft laws that must be approved by the house. The process culminated in the 2012 Upstream Petroleum (Exploration, Development and Production) Bill; the 2012 Midstream (Refining, Gas Processing and Conversion, Transportation and Storage) Bill; and the 2012 Public Finance Management Bill. Whilst both upstream and midstream bills have now been passed into law, including the Public Finance Management Bill. The upstream bills were subjected to fierce debate in parliament, and provoked concern from both national and international civil society organizations. One of their most significant fears voiced concern over "weak environmental and social protections, as well as the absence of any measures to include local communities in decision-making processes" It was also pointed to increased potential for human rights and environmental abuses in the sector. The lack of gender provision in national policy and legislation has received less attention.





*Photo credit: Kwataninza women's group  
Counting Women Voices; Focus Group  
Discussion at Kasinyi in Bullisa*

## Selection and Justification for Policies to Be Targeted By the GAGGA Partners

Based on the local, national and regional policy analysis discussed in Section 5.1, the key policies to be targeted by GAGGA partners in Kenya include:

- Kenya vision 2030
- Mining and Mineral policy 2016
- National Environment Policy 2013
- Kenya National Policy on Gender and Development (NPGD), 2000
- East Africa Community Treaty Article 6 (d) of EAC
- African Charter on Human and Peoples' Rights (ACHPR)

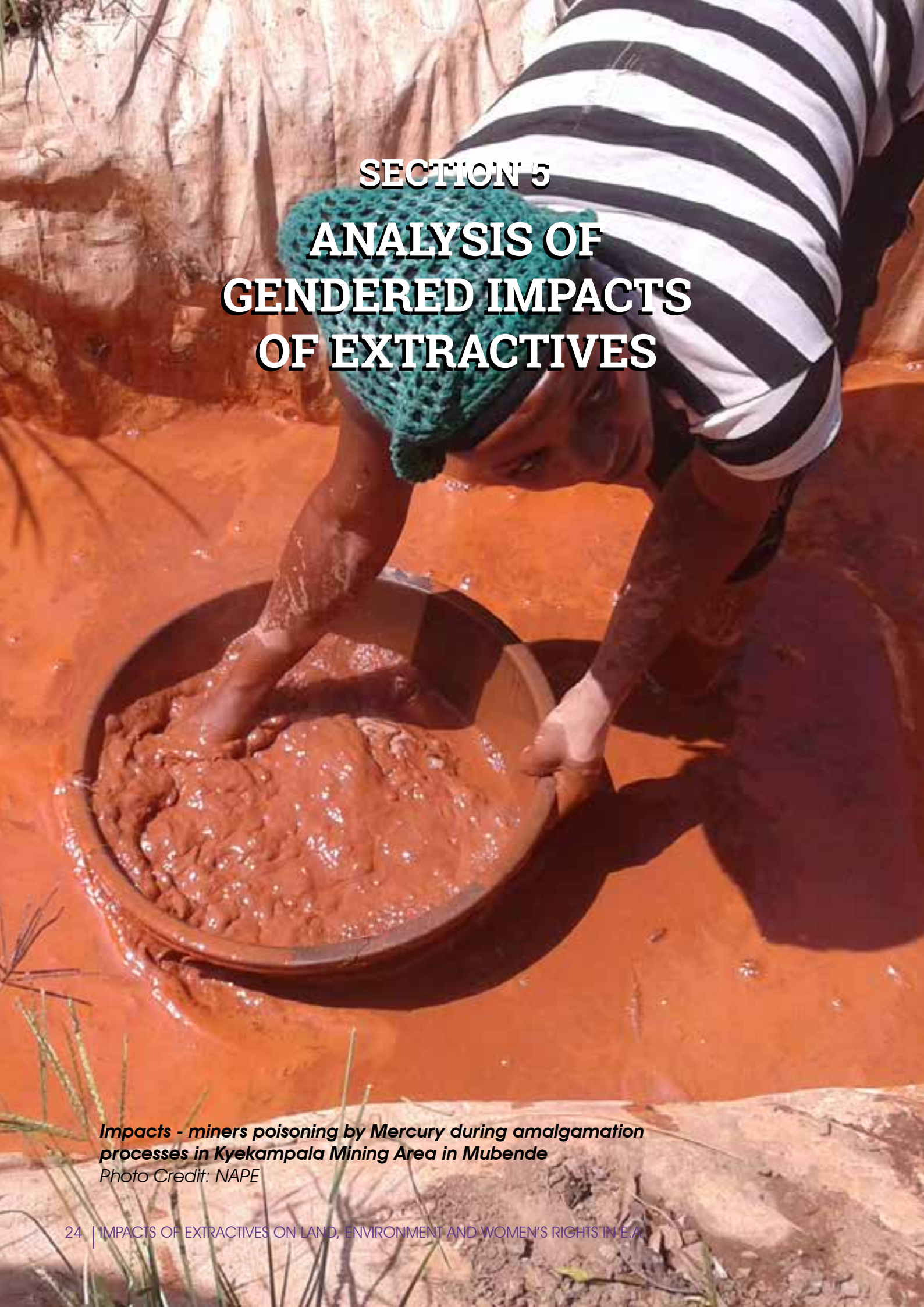
The key policies to be targeted by GAGGA partners in Tanzania include:

- The Land Policy, 2016 (currently under review)
- Environmental Policy, 1997
- Mineral Policy, 2009
- Mining Act, 2010

The key policies to be targeted by GAGGA partners in Uganda include:

- The National Oil and Gas Policy (NOGP)
- Petroleum Exploration, Development and Production Act, 2013
- National Environment Management Policy (under review)
- National Environment Act, 1995



A person wearing a black and white striped shirt and a green beanie is shown from the chest down, leaning over a large, shallow, dark-colored bowl. They are using their hands to mix a thick, reddish-brown slurry, likely mercury amalgam, within the bowl. The background is a dry, rocky, and uneven terrain. The text 'SECTION 5' is at the top, followed by 'ANALYSIS OF GENDERED IMPACTS OF EXTRACTIVES' in large, bold, white letters.

## SECTION 5

# ANALYSIS OF GENDERED IMPACTS OF EXTRACTIVES

***Impacts - miners poisoning by Mercury during amalgamation processes in Kyekampala Mining Area in Mubende***

*Photo Credit: NAPE*



## ANALYSIS OF GENDERED IMPACTS OF EXTRACTIVES

### Key Impacts of extractives on Land

Sand mining in Homabay, Mukueni and Machakos has led to serious degradation of land for instance; damage to river banks and general land due to access ramps to riverbed. Soil erosion has been taking place as a result of disturbance of groundwater and changes in river courses. It further causes changes in land and river morphology, lowered water table, instability and sedimentation at the harvesting sites due to stock piling and dumping of excess harvesting materials as a result of all these changes on land, there has been massive destruction of land and thereby affecting land use of which women and men sustain family livelihoods from and this has impacted greatly on women because they depend on land as a main source of livelihoods and to top it all women are the ones who are responsible for fetching water and if the water table has been tampered with, this implies scarcity of water thereby increasing the burden of walking longer distances in search of water. Women collect vegetables, shrubs and herbs from the river banks and destruction of these resources directly impacts negatively on their livelihoods.

The salt industry in Magarini has led to the destruction of the local biodiversity, soils, air and water and has a result of these; there has been decline in local fisheries due to the destruction of mangroves and yet fishing had been one of the economic activities the communities depended on to sustain livelihood. Women have derived livelihoods from fishing and destroying the waters and landing sites means depriving women of their livelihoods.

The findings showed that the remnant mangroves and coastal woodlands have suffered increased soil erosion, siltation and water-borne pollutants and this has been compounded to the disposal of untreated waste drained from ponds and salt processing plants. Pollutants carried by wind and water have also altered the composition of soil in the salt belt, reducing their productivity for farming and other land uses such as tree planting, grazing and bee keeping of which men and women derive their livelihoods from but the impacts on women is tremendous because their lives depend on land more than anything else especially in situations where there are no alternative source of livelihood and this is evident with the high levels of food insecurity.

Salt extraction has caused the salinization and contamination of freshwater wells and springs through deliberate disposal of untreated wastewater by the salt companies, or indirectly through leaching from the ponds and heaps of harvested salt which has affected the health of women and also increased the burden of searching for water.

There has been frequent flooding of farms, roads and settlements in areas where the dykes and diverted streams have altered the natural flow of rainwater into the Indian Ocean hence causing enormous human suffering in the affected areas and women bear the heaviest burden if farms are destroyed by floods and no yields since they are responsible for food security unlike their male counterparts.

*“These violations have turned the citizens into landless, homeless beings, hawking their labour for wages that cannot sustain them. They toil in the salt ponds for most part of the year and when the salt harvesting season ends, they have no means of livelihood.*

*They have no land from which to eke out a living and when they sell their labour, the wages are too low to sustain them. They are condemned to hunger, poor health conditions, miserable shelter, lack of clean water and are unable to educate their children. As long as their right to ownership, access and use of land and just wages for their labour are violated, the entire community is condemned to perpetual poverty and underdevelopment.”*

KNCHR, 2006

## Key Impacts of Extractives on Environment

The study found out that sand mining has led to environmental degradation in many forms such as deforestation where trees around the river banks are cut to create space for mining. As a result of this there has been massive soil erosion that ultimately contributes to soil infertility hence food insecurity. It was further established that land conversion for instance in areas where sand mining is massive, the environment has been destroyed especially the wetlands where natural habitats (ecosystems within the wetlands and river banks) have been chased away by the mining, in addition, there has been water and air pollution.

In reference to above, it was observed that excessive sand mining has threatened the bridges, river banks and nearby structures and this has led to bed degradation, bed coarsening, lowered water tables near the streambed, and channel instability. These physical impacts cause degradation of riparian and aquatic biota and may lead to the undermining of bridges and affects water levels. From these activities, water sources have been polluted and some destroyed as the water levels are tampered with during sand mining. It is important to note that once the natural ecosystem is destroyed that water sources are affected.

Salt extraction has caused the salinization and contamination of freshwater wells and springs. Contamination has occurred directly, through deliberate disposal of untreated wastewater by the salt companies, or indirectly through leaching from the ponds and heaps of harvested salt. This has impacted negatively on the environment through frequent flooding of farms, roads and settlements in areas where the dykes and diverted streams have altered the natural flow of rainwater into the Indian Ocean.

Displacement of people within the areas where extractive activities are operationalized as a result of forced evictions or voluntary relocation has had significant impact on the environment for instance in Magarini where population pressure on settlements further inland accelerated that rate of deforestation and consequently soil erosion as communities searched for settlements and alternative livelihoods through farming or charcoal production. The farmers' efforts are further hampered by infertile soils and conflicts with pastoralists from the Orma community.

Study findings pointed out that there has been incredible environmental pollution for example water sources have been polluted and destroyed and this affects humans. Communities have raised concerns about pollution of water sources by waste materials from the mines.

This way, mining activities account for serious consequences to the local environment that negatively affects women more than men because of their gender roles in that women are responsible for fetching water, when it is polluted or destroyed then the burden of walking longer distances in search for water.

Still on environmental pollution, field study in Mundarara showed that the bare lands with big holes/pits left after extractions had been turned into dumping grounds for rubbish, plastics and polythene papers that destroy soil fertility and the pits have become breeding grounds for mosquitoes that are a danger to humans as it transmits malaria parasites.

In the Albertine Graben excavation of land, draining of wetlands and infrastructure development hence deforestation resulted to alarming effects on rainfalls, too much sun shine, prolonged dry spells and strong winds killing people, domestic animals, destroying crops and causing alarming poverty. In reference to clearing land for the oil refinery within the park has destroyed habitat for wildlife which has resulted to human-animal conflicts.



Extractive activities have led to pollution of the water sources through the disposal of oil waste materials on land and this has led to lack of access to clean water for the communities and the category that bears the heavy burden of this are women because of their roles in the society. This has forced women to move long distances in search for clean water which is a basic human need and further instilled fears about their children's safety and health as a result of environmental impacts.

The findings further indicate that little attention has been paid to gender dynamics in the environmental impact assessments (EIAs) conducted so far. Key informant interviews (KIIs) with environmental officers at the local government level confirmed that gender was not a specific area of focus in the terms of reference developed for EIAs.

## Key Impacts of Extractives on Women's Rights

### Loss of land

Land factor has been a very critical challenge to women in the face of the development of extractive activities in the three East Africa countries because it is the major source of production for livelihoods. It should be noted that in all the study sites, communities depend on subsistence agriculture as a main source of livelihoods and women are the main user of land as much they don't have ownership rights. Women have lost land to mining companies leaving them landless with no negotiating power because they don't own land but only exercise their user rights which have been violated in the process of land acquisition by extractive companies.

The process of acquiring this land by the mining companies has been ruthless as some women reported forced evictions notably in Uganda and Migarani. These evictions led to loss of property and thereby aggravating the problems women face. Loss of land has resulted into food insecurity among these communities as the land they used for food production was no more. The burden of providing food for their families doubled as the extractives companies did not provide alternative source of livelihoods for example in Mundurara many families lost their land to the mining companies both big and small. The families that lost land never got adequate compensation or relocation package as per the mineral and mining policy of Tanzania and URT (1997). As a result the rights of women to access and use of land was infringed on and this left many women homeless.

As a result of the above, women have been denied right to decent living as many have reported displacements and living in deplorable conditions which lacks basic services such as; healthcare, schools and roads. In addition to loss of land, it led to loss of meaning of the economic activity (agriculture) where majority of women derive their livelihoods from hence food insecurity in households which levies heavy burden on women as mothers who ensures there is food in their homes.

Loss of land has led to family disintegration that negatively impacts on the lives of women as land is taken, men tend to relocate to urban centres in search of casual work and others when compensated for the land run away to marry new wives abandoning their wives and children adding on extra burden.

Loss of land has led to food insecurity since land which is main source of production is lost and the right to access food is lost as there is no land for cultivation, this has greatly impacted on the wellbeing of the women who struggle to fend for their families hence abusing their rights to access to food which is a fundamental human right.

### Environmental challenges

Degradation of natural resources in sand and salt mining sites has negatively impacted women's economic rights to pursue sustainable livelihoods. Women are more dependent on natural resources for their income and subsistence than men. Although women also have the option of seasonal employment by the salt companies, the wages cannot compensate for what they have lost. In this regard, the women's rights to safe working environments and fair compensation for their labour are being violated. Salt extraction has impacted on the environmental, economic and social rights of the entire community but the impacts on women's rights are greater because of their roles as caretakers of their families. During a recent meeting, representatives of women's groups based in Magarini listed space to live, clean air, safe water, good health, food security, personal security, access to energy (charcoal, firewood) and sanitation as fundamental human rights. Their concern for the welfare of their families, especially children and the elderly was emphasised when they cited scarcity of safe water and air pollution as the priority human rights violations that need to be addressed within the salt belt.

Women's rights to living in a clean environment as provided for in the constitutions of the three East African countries. (The Constitution of Uganda, Article 39;) has been undermined as extractive activities pollute the environment through disposal of its waste materials and it is very important to note that women's lives revolve around their environment and thereby when polluted it affects their wellbeing and increase poverty, escalate climate change and suffering in pursuit to live.

### Health challenges

The depletion/ Pollution of water resources as a result of sand mining through destruction of the riparian vegetation, affecting water flow along the rivers and further erodes the water holding capacity of the riverbed and damages the ecosystems. This has undermined the rights of women to access to clean and safe water because they are the ones responsible for fetching water. Besides the spillage and leakage of fuels, oils from Lorries when harvesting sand into the rivers pollute the water and these have negative health impacts to the people and livestock who consume the water.

In a study by WoMin, 2015, indicates that women in majority of households are responsible for fetching water for household use. But because of sand mining many water sources have been polluted and others depleted leaving communities with no water source which directly affects the lives of women because the burden of looking for clean water is levied on them. In addition, the riparian vegetation in many instances is the main source of fuel wood for rural communities and this therefore leaves the women with the burden of searching for fuel wood.

Most of the sand harvesting takes place very close to communities and are often abandoned after completion. During rainy seasons, the abandoned pits collect water and becomes breeding ground for mosquitoes (transmits malaria parasites to human beings) that endangers the health of people and the most affected are children and pregnant women.

Other diseases such as cholera, dysentery and diarrhoea are also associated with the sand harvesting activities, since harvesting sites are often used as rubbish dumping sites. When there is sickness there is extra burden of giving care to the sick, that is heaped on women. The sources of fresh water they depend on for their daily activities will be polluted and be limited even when they are currently facing this problem, their land which they have used for generations and generations for farming will be taken away, the resources their families have been depending on will also be destroyed, affecting them economically. Women are also the caregivers to the sick and they will spend an inadvertent amount of their time taking care of sick relatives and children affected by the harmful by-products of salt mining.



Other health challenges associated with sand mining is inhaling large amounts of dust from the sand and poor quality air in the sand harvesting sites that affects human health and it is reported that migration into sand harvesting communities has accelerated the spread of HIV infections and AIDS of which women are the ones who shoulder the burden of the disease. Extractive activities impacts on women's rights as workers in the mines with very little pay and poor working conditions that affects their lives especially health.

### Social disintegration

The displacements, harassment and lack of meaningful employment have destabilised families, and are associated with increased levels of mental illnesses, alcoholism and prostitution within the community. The rise in commercial sex has also made women more vulnerable to sexually transmitted diseases. Women's rights to having stable families have been undermined in the salt mining areas due to arbitrary arrests of their partners by security personnel as a result of defending their rights to land and rampant displacement by mining companies. Many women are in the process of being widowed.

Women are important decision makers and influencers in their families, and yet often they are not well represented in the public sphere. Traditionally, their space is well defined in the private, domestic sphere. This has created a challenge for women dealing with extractives industries. There are however a few women leaders who are outspoken on women's issues and they provide role models for many younger women in communities. Women's voices are crucial to fight against unsustainable extractive activities because they are the first & mostly to be affected.

*"The oil refinery site has denied women/communities access to sacred sites and water points since they are fenced off by the new land owned by the investors and attempts to enter the land in search for water tantamounts to criminal trespass and subsequent arrests by police" laments Cecelia, a participant in the Focus Group Discussion with tears rolling down her cheek*

## Actor priorities relevant in policy development and decision making on gendered impacts and inclusiveness

### Kenya

- Lobby duty bearers to enforce requisite laws to ensure sustainable sand harvesting like the guidelines on sand mining needs to be implemented enforced.
- There is need to sensitize communities on the impacts of sand harvesting targeting women, policy makers and implementers among other stakeholders.
- There is need to building capacity of women to advocate for their rights in line to the available provisions in the constitution.
- Affirmative action interventions targeting women to be developed as a corrective measure to equalize opportunities and access.
- In Magarini, women are demanding for improved equity and accountability in the salt mining sector.

### Tanzania

- Each Mining site should address the aspect of business and human rights.
- There is need to design gender policies and create awareness with an aim of changing attitudes and perceptions of the stakeholders and communities towards women.
- At national level, law reforms should address gender blind legal frameworks.

- There is need for adequate land compensation and improved relocation schemes (already enshrined in the laws).
- There is need for provision of extension services to artisanal miners to increase their contribution to the national economy (women are more engaged).
- Create sound relationship between the community and the mining company for example in Mundarara women and youth find it difficult around the mines because of less payment, stereotype, poverty and some other unethical conducts by the miners.
- There is need for community support initiatives, capacity building of community leaders on managing natural resources and creating suitable working environment for women and youth through trainings.
- There is need to conduct more awareness campaigns to combat child employment in Mundarara as this has resulted into high level of school drop-outs thus, absenteeism and poor performance in examinations.
- Implementation of the Tanzania Mineral Policy, 2009 (Section 6.1) which stresses on safeguarding environment and ensuring sustainability of environmental resources. (Litter, debris, safeguarding water sources and waste management needs to be addressed).

## Uganda

- Government should create a gender task force at all levels of local governments so as to ensure implementation of gender mainstreaming and accountability mechanisms and learning platform on issues of gender.
- There is need for government and development partners to build local capacity for environmental monitoring and civil society monitoring of social investment.
- There is need for community sensitization by Non-Government Organizations to raise awareness among community members about their land rights and the importance of constitutional principles such as equal participation, consultation.
- There is need to establish synergies with relevant governmental departments and ministries such as lands ministry, MGLSD and Justice and constitutional affairs. In addition, partnerships are needed to help expand local government community services to provide support such as legal, medical and counselling for the vulnerable groups affected by domestic violence and family abandonment by their spouses.
- National laws against SGBV need to be enforced whether it perpetrated by local citizens or migrant oil workers. Review existing laws to ensure that it takes care of women and addresses the gender inequalities that exist.
- Local government has to ensure that company consultation processes are inclusive and that women's interests are represented. Women in local leadership positions including councillors, entrepreneurs and cultural leaders should participate in consultations between local government and oil companies.
- Dissatisfaction with government modus operandi in implementation of its projects.
- Government and oil companies need to promote women-only meetings where appropriate.
- Government needs to make available to the public the policy, legal and institutional frameworks especially on compensation and resettlement to deal with the challenges arising from the extractive industry.

In reference to the above, it is important for government to consider when disseminating information regarding the extractives sector and it is important to consider the most effective/appropriate channel that will reach both men and women in the communities.

- Create women's movement (formation and strengthening of women groups) to empower the most vulnerable.
- There should be deliberate efforts to enhance the capacities of women and skilling them for self-reliance by government and oil companies.





*Machakos, Makueni and Homabay*  
Photo credit: Nature Kenya

- There is need to mainstream gender in the land compensation Act to be more elaborate on the rights of women. Government should consider legal provisions for people's losses (injuries or loss of life of people, loss of crops and live stock caused by human-wild life conflicts).
- There is need for capacity building of local government institutions to handle grievances and to protect communities and represent their needs vis-à-vis companies. Women are particularly vulnerable, since they are typically less mobile, have less access to information and, therefore, rely more heavily on local institutions to represent their interests.
- At national level, there is need for guidelines to recognise the different needs of men and women to provide a clear framework for legislation requiring companies and their contractors to commit to gender-smart local recruitment.
- Affirmative action is critical on registration and titling women's pieces of land to promote and guard women's rights to access and control over land. In regard to this, there should be a deliberate effort to engage women during land acquisition processes to ensure that they are part in decision making.
- Government and oil companies need to promote women only meetings where possible since its more effective in communicating information targeting women this will deal with the bottle necks presented by gender biases and culture where it is assumed meeting are only for men and so even when women are present, and they are not free to air their voices.



## **SECTION 6**

# **MAIN CONCLUSIONS AND RECOMMENDATIONS**



## MAIN CONCLUSIONS AND RECOMMENDATIONS

### Conclusions

#### Stakeholders:

In all the three East African countries, the key stakeholders in extractives are government or state institutions such as parliaments, ministries of environment and minerals, and authorities. These institutions have high power and high influence and with good will, and prioritization they can address human rights and issues facing women in extractives by ensuring that the laws already in place are implemented and stakeholders that do not follow the laws are held accountable. Given their influence, they have to address the negative impacts of extractives on women such as loss of land by ensuring that there is adequate compensation and resettlement.

#### Policy Analysis:

Despite the provisions in the local and national laws, policies and strategies in the three countries, there remains a big gap in their actualization due to the weak implementation. For example, in Kenya, the sand harvesting laws provide no punitive measures that should be undertaken if the provisions are not adhered to and the sand harvesting guidelines is silent on implementation procedures. In Tanzania, like in Uganda, there is inadequate public knowledge about the laws of the extractive sector and women in the mining sector are marginalized—this calls for sensitization/education on the existing laws. Child labour is rampant, plus other socio-economic problems like prostitution that also affects the girl-child. Some of the policies have no gender provisions, are gender neutral and have no regard for women and their rights.

#### Gendered impacts:

A cross all the countries the issue of loss of land was reported as the key problem affecting women as a result of extractive activities. For example, in Tanzania the laws indicate equality in land ownership and the law runs parallel to customary laws which is entrenched in patriarchy that undermines the rights of women whereas in Uganda, the compensation laws says “compensate the land owner” of which in many cases is the man especially under customary land (this process affects women like in Uganda, men were compensated and they deserted their wives and children). In Kenya, the salt mining companies have left many locals homeless and without agricultural land just like in Tanzania and Uganda. Loss of land has resulted to loss of farm land and yet in all the study sites, agriculture was the major source of livelihoods therefore this implies that both men and women’s right to food is violated and women suffer more because of their gender roles in ensuring there is food in households.

During compensation, the law does not take into account the user rights of the person who has been utilising the land for farming nor the concept of family but rather focuses on the owner who in most cases are men unless the woman is a widow and apparently due diligence conducted to ascertain she is a widow.

Extractive activities led massive environmental degradation which affects the lives of men, women and children. However, it should be noted that majority of women in rural communities are dependent on their environment for example; the forest where fuel wood is collected, herbs, fruits, raw materials for craft are destroyed and water sources polluted and depleted by these activities all impact negatively on the lives of women for instance right to clean water and breathing clean air is not adhered to.

## Key Recommendations to Government, Companies, Communities, CSOs

### Government

- It is important that all governments implement the provisions in their laws of which many already provide for the rights of women for example there is joint ownership of land in Tanzania and therefore compensation must include both men and women as land owners and voices of women must be heard in order to address the gender inequalities in land ownership by facilitating participation of women in decision making and this applies to all countries.
- Where the laws are weak, there is need to review for example in Tanzania, the law on joint ownership of land. This runs parallel to customs and therefore is not explicit on equality to land ownership for men and women since this is a patriarchal society there is need to change the parameters of ownership.
- Governments have to fulfil its mandate of protecting its citizens including women from human rights abuses and exploitation. The protection includes the right to clean and sustainable environment, right to food, high standard of living, housing and land and putting in place the legal framework. (Already is provided for in the SDGs) so as to improve the lives of women in these communities.
- Good governance and prevention of corruption should be government priority. It is the responsibility of government agencies including law enforcers to prevent, investigate, punish and redress human rights abuses that take place in mining business operations especially looking at the rights of women.
- Governments should ensure that environmental impact assessments are done in accordance to the legal provisions to avert/minimize the environmental impacts.
- Apply the principles of EITI; the governments should ensure the highest level of transparency in all levels (local, national and regional). Information regarding extractive industries should readily be available for individuals, communities, institutions, researchers, investors and actors for the purpose of development and this applies to the Kenya and Uganda governments.
- Government of Uganda needs to build the capacity of local communities especially women to meet high-end market standards and produce the required quantities at the required times. If local farmers, women in particular, are not supported through targeted capacity-building programmes to strengthen the commercial viability of their activities and produce, then they are unlikely to benefit from supply chain opportunities such as the provision of food to oil camps.
- Government of Uganda needs to develop a long-term and multi-sector strategy for addressing gender in extractive industry. A National Action Plan for Gender and Extractives would guide and provide a monitoring framework for its interventions. A National Action Plan would help guide government in developing policy, programmes and legislation that would do a better job of addressing challenges facing women affected by – and hoping to benefit from – Uganda's oil sector.
- Legal recognition of women's property rights, such as those of the spouse, must be matched by public awareness campaigns and information dissemination to address cultural barriers and limited knowledge of the law among rural women, local councils and community-based conflict resolution mechanisms.

## Companies

- Extractives Companies need to have interface/ build trust with local communities to avoid scenarios where locals consider them enemies of peace; they should recognize women's competences in managing the environment and employ local community members who have vast knowledge about their environment.
- Companies need to engage in corporate social responsibility i.e. establish micro-credit schemes for rural women and men in a gender sensitive manner. This is especially important in contexts where the legal system and/or local customs make it hard for local women to gain direct access to money from company benefit streams: compensation, royalties and employment.
- Gender-disaggregated evaluation frameworks and gender-sensitive assessment indicators are needed in order to assess the impacts of sector activities properly and to monitor the quality of community investments.

## Communities

- Communities are the right holders who must endeavour to increase knowledge on their rights and demand for them using the appropriate channels when mining companies or individuals' actions adversely impact on their livelihoods and therefore women should organize themselves in solidarity movements to resist the corporate impunity that comes with Extracting minerals.
- Women should say No and be able to speak out and report to relevant authorities on any forms of violation of their rights.
- Women should advocate for increased access to clean, accessible and affordable energy.

## Civil Society Organizations

- There is need for gender mainstreaming in all the processes of extractives and gender analysis on environmental impacts (social, psychological) should be conducted, including how well these have been catered for by government and private sector terms of reference and assessment methods for EIAs/ESIAs that should take into account gender needs especially the needs of women.
- Civil society needs to work with line ministries in their respective countries other than the MEMD for example in Uganda; MGLSD needs to strengthen their engagement with communities in the oil region to better understand their plight and change policies.
- There is a need to work with the private sector to incorporate gender into models for conflict sensitive business practices and social investment.
- Gender-responsive indicators should be incorporated into future monitoring of governance and livelihoods in the Albertine Graben (Uganda).
- Civil society needs to work with government to make information on environmental impacts available to communities, with a strong focus on reaching rural women remote areas. It should use local organizations to disseminate information, for example, using theatre.



- Civil Society needs to promote dialogue, awareness creation, cooperation and sharing of good practices within the localities where extractive activities are operationalized.
- There is need to establish a local council taskforce on gender and the oil sector (including CLOs, CSOs, local government CDOs, cultural leaders, women councillors and women entrepreneurs), with a strong reporting mechanism to feed information up to national level. Efforts should also be made to establish a parallel taskforce at national level.
- Promote clean renewable energy technologies like briquettes making, improved energy saving cooking stoves and this will lessen the burden women carry in search for fuel wood and will reduce consumption of fossil fuels.

## Opportunities in Land Ownership and Control

The most prominent opportunity disenfranchisement for women in natural resources rich areas in East Africa is the limitation of women's economic access to and actual ownership of land owing to the fact that land is customarily owned. Land has a direct bearing on women's interests and positioning in the exploitation of natural resources.

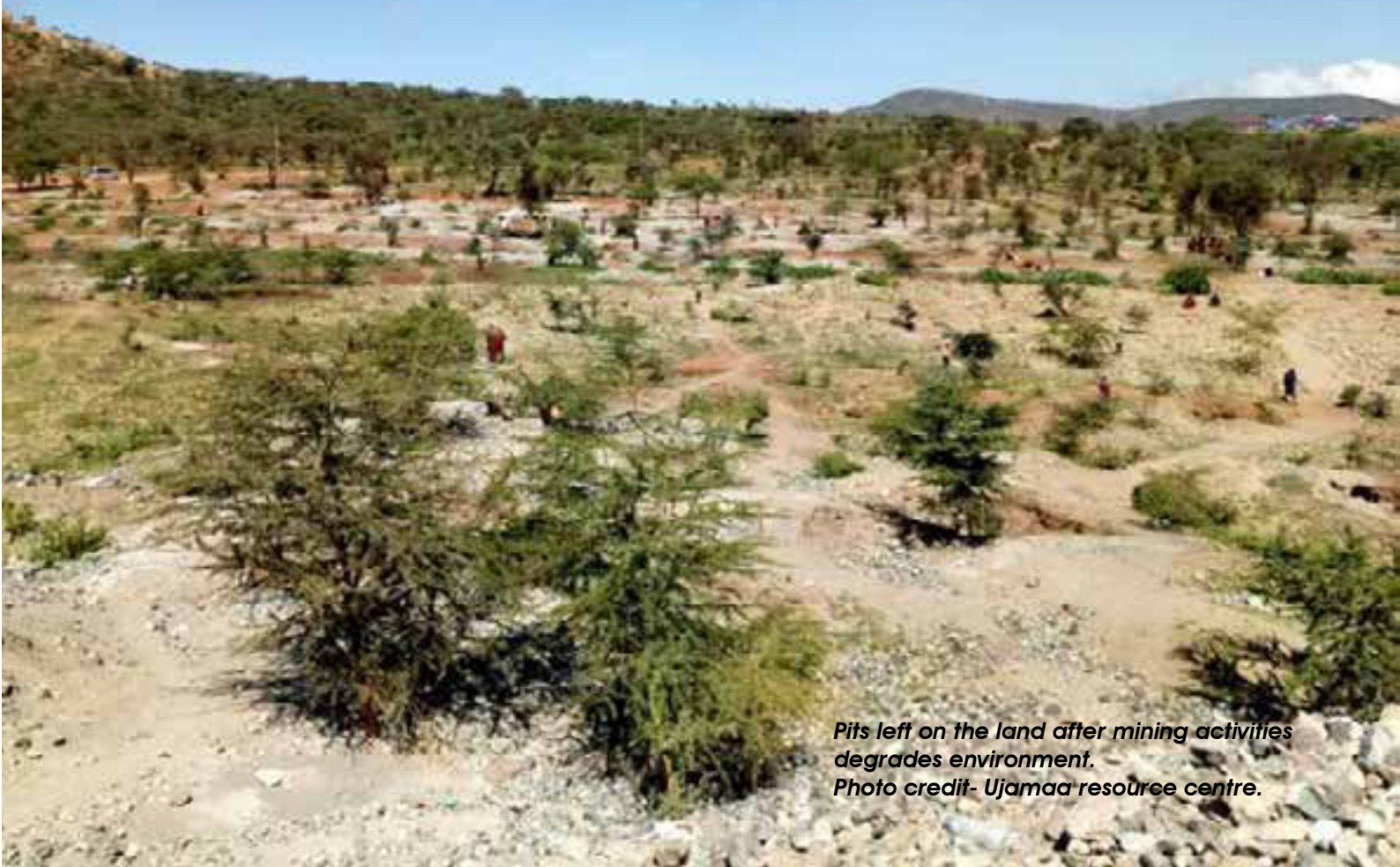
Land rights and access are therefore tied to land owner or effective controller's ability to productively use and develop the natural resources therein, including access to credit and other forms of inputs needed to transform and process raw resources into marketable products. Unfortunately, in vast majority of cases reviewed women in East Africa are disadvantaged compared with men in regards to self-reported land ownership, documentation of ownership, operation, management, and decision making.

## Opportunities in Peace Building

Another unexplored entry point for strengthening women's contributions to better natural resource management through utilization and strengthening of women's peace building capacity in the often conflict ridden extractive sector. While the link between natural resources is not clear and direct, figures obtained from Armed Conflict Location & Event Data Project (ACLED) show an uncanny trend of increased armed conflict and strife in extractive industry communities.

## Security and risk

Women are the primary providers of water, food and energy in the East African household and community levels. Further these women and especially those in extractive activity set ups are often highly dependent on natural resources for their livelihoods and are therefore particularly susceptible to changes in the availability and quality of these resources during and after conflict.



*Pits left on the land after mining activities degrades environment.  
Photo credit- Ujamaa resource centre.*

In particular, lack of access to land – which underpins rights to all other natural resources and is a key asset for securing productive inputs – can force them into increasingly vulnerable situations and expose them to higher levels of physical and livelihood risk, with trickle-down impacts on community welfare. In Kenya for example women’s organisations are playing a critical role in raising the capacity of women from Lamu as well as engaging those from Kitui in ensuring that they are also in the forefront in fighting for the rights of the environment and natural resources that they highly depend on. Education has taken on the shape of engaging more women in the campaign to stop coal activities through series of community sensitization meeting, discussions on the best advocacy strategies to fight against the proposed coal power plant and advocate for green energy sources which are plenty. The education also included information sharing to the women whose land and environment would be impacted by the coal mining.

*Cheryl Doss et al, “Gender Inequalities in Ownership and Control of Land in Africa: Myths versus Reality” IFPRI Discussion Paper 01308 December 2013*

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